

Public Notice

U.S. Army Corps of Engineers, Norfolk District

CENAO-REG
NAO-2007-463

February 16, 2007

JOINT FEDERAL/STATE PUBLIC NOTICE

The District Engineer has received a prospectus to establish an umbrella compensatory stream mitigation bank for Federal and State permits as described below:

BANK SPONSOR:

Mitigation Services Inc.
12801 Randolph Ridge Lane
Manassas, VA 20109

WATERWAY AND LOCATION OF THE PROPOSED WORK: The proposed mitigation bank is located within Loudoun, Fauquier and Prince William Counties, Virginia. The work will occur in Little River, Cromwells Run, Beaverdam Creek and the Kettle Run watersheds that flow into Goose Creek and the Occoquan River, major tributaries of the Potomac River.

PROPOSED WORK AND PURPOSE: The bank sponsor proposes to sponsor and establish an umbrella compensatory stream and wetland mitigation banking agreement. A copy of the prospectus is enclosed.

The bank will be established to provide mitigation to compensate for impacts to streams within the specified service area. The proposed service area is Hydrologic Unit Codes 02070008, 02070010 and the portion of 02070011 that lies within Prince William, Fauquier and Stafford Counties.

AUTHORITY: Permits may be required pursuant to Sections 401 and 404 of the Clean Water Act (Public Law 95-217), and Title 62.1 of the Code of Virginia. This Public Notice is recommended pursuant to Federal Guidance for the Establishment, Use and Operation of Mitigation Banks (60 Federal Register Number 228).

COMMENT PERIOD: Comments should be made in writing to Mr. Ron Stouffer at U.S. Army Corps of Engineers – Norfolk District, Northern Virginia Field Office, 18139 Triangle Plaza, Suite 213, Dumfries, VA 22026, and should arrive by the close of business on March 16, 2007.

FOR THE DISTRICT COMMANDER:

Michael A. Schwinn
Acting Chief, Northern Virginia
Regulatory Section

PROSPECTUS
FOR THE PROPOSED

UPPER POTOMAC REGIONAL ENVIRONMENTAL BANK
Loudoun, Fauquier, and Prince William Counties, Virginia

Sponsor Information:
Mitigation Services, Inc.
12801 Randolph Ridge Lane
Manassas, Virginia 20109

Prepared By/Authorized Agent:
Angler Environmental
12801 Randolph Ridge Lane, Suite 102
Manassas, Virginia 20109
(703) 393-4844

I. INTRODUCTION

Mitigation Services, Inc. (hereinafter, the Sponsor) hereby proposes to establish and sponsor the Upper Potomac Regional Environmental Bank (hereinafter “the Bank”), to be located in Loudoun, Fauquier, and Prince William Counties, Virginia. The Bank currently consists of four (4) properties located within the Little River, Beaverdam Creek, Cromwells Run, and Kettle Run watersheds, which are components of the Goose Creek and Occoquan River watersheds, major tributaries to the Potomac River. It is anticipated that additional sites will be added to the Bank over time. The purpose of the bank will be to provide compensatory stream and wetland mitigation credits designed to offset authorized unavoidable impacts within the proposed geographic service area of the Potomac River Watershed.

Stream mitigation credits will be established through the restoration of stream channels as well as preservation and enhancement of adjacent upland buffers. Wetland mitigation credit will be established through the creation, restoration, and/or enhancement of wetland, as well as the preservation and enhancement of adjacent forested wetland and upland buffers. The Sponsor presently controls all currently proposed sites and will be responsible for a monitoring and maintenance period following construction of the mitigation areas to ensure success of the mitigation plan.

The Mitigation Banking Instrument (MBI), as well as the development and operation of the bank will be in accordance with all applicable Federal and Commonwealth of Virginia statutes, regulations, and guidance. This includes Code of Virginia § 33.1-223.2:1 (*Wetlands Mitigation Banking*), Virginia Water Protection Permit (VWPP) regulations (9 VAC 25-210-10 et seq.), and the *Federal Guidance for the Establishment, Use and Operation of Mitigation Banks* (60 FR pages 58605-58614, 1995).

II. LOCATION AND CURRENT STATE OF BANK

The Upper Potomac Regional Environmental Bank is comprised of four (4) project areas located in southern Loudoun, northern Fauquier, and central Prince William Counties, Virginia (see *Project Location and, Vicinity Maps* in Attachment A). The four (4) sites make up approximately 1,349 acres and are composed of 204, 860, 118, and 167 acres respectively.

The 204 acre site is located on an active farm with open pasture and crop production that is situated less than one (1) mile east of the town of Aldie in Loudoun County, Virginia. The property is bound by John S. Mosby Highway (U.S. Route 50) to the north and Aldie Dam Road (State Route 632) to the east. The proposed mitigation areas are located in and along the floodplains of Hungry Run, Little River, and associated small tributaries. The majority of the site is cleared and in active agriculture production with some small pockets of trees and forested areas found along the aforementioned streams.

The 860 acre site is located on agricultural land that is currently proposed for low density residential development near the area known as Airmont in Loudoun County, Virginia.

The property is bisected by Snickersville Turnpike (State Route 734) and situated east of Airmont Road (State Route 719) and south of Parson Road (State Route 725). The proposed mitigation areas are located in and along the floodplains of un-named tributaries of North Fork Beaverdam Creek. The majority of the site is in open land cover that has been used for agricultural production with small forested areas within the property limits.

The 118 acre site is located on agricultural land situated one and a half (1.5) miles northeast of the town of Marshall in Fauquier County, Virginia. The Property is bound by Whiting Road (State Route 691) to the northeast and agricultural and undeveloped land in all other directions. The intersection of Whiting Road and Prince Road (State Route 762) is located to the southeast. The proposed mitigation areas are located in and along the floodplains of Cromwells Run and associated un-named tributaries. The majority of the site is cleared and in active agricultural production with some small forested areas along the aforementioned streams and in the southern portion of the property.

The 167 acre site is located on open land currently proposed for low density residential development near the area known as Bristow in Prince William County, Virginia. The Property is bound by Bristow Road (State Route 619) to the north, Gallop Lane to the east, Valley View Drive (State Route 611) to the west, and Kettle Run to the south. The proposed mitigation areas are located in and along the floodplain of Kettle Run and an associated un-named tributary. The majority of the site is in open land cover with small forested areas within the property limits.

III. GOALS OF THE BANK

The overall goal of the Bank is to fully compensate for authorized losses to streams, wetlands, and other aquatic resource functions in a manner that best contributes to the long-term ecological health of the watersheds within which the Bank will operate. The Bank will accomplish this by restoring degraded stream channels and agricultural fields located on the Bank sites to higher value natural aquatic resource areas. These areas will be designed to replace the chemical, physical, and biological function of wetlands, stream channels, and open water areas within the proposed service area that are lost as a result of authorized impacts.

IV. FEASIBILITY AND BASELINE DATA

Prior to preparation of this document and the decision to pursue development of the Bank on these sites, the Sponsor conducted a feasibility investigation for the site to gather baseline data and to assess the site(s) potential for supporting wetland and stream mitigation. The feasibility study included the following:

- Wetland Delineation
- Soils Investigation
- Stream Assessment
- Vegetation Survey

Based on the results of these investigations, preliminary data suggests that the creation/restoration of high value wetlands and/or the restoration/enhancement of stream channels are feasible on each Bank site. All relevant data, analyses, modeling, and engineering calculations will be provided to the Mitigation Bank Review Team (MBRT) as part of the MBI approval process.

V. GEOGRAPHIC SERVICE AREA

Service area for each bank site will be included in the Plan of Development (POD) and will be consistent with current regulations. The current bank sites are located within the Little River, Cromwells Run, Beaverdam Creek, and the Kettle Run Watersheds, which flow into Goose Creek and the Occoquan River, major tributaries of the Potomac River. The current sites being proposed for inclusion in the Bank are located in the upper and middle Potomac River Hydrologic Cataloging Units (02070008 and 02070010), which include portions of Arlington, Fairfax, Fauquier, Loudoun and Prince William Counties, as well as the Cities of Alexandria, Fairfax and Manassas. The proposed service area for the bank will incorporate the entire 02070008 and 02070010 Hydrologic Cataloging Units, as well as the portions of Hydrologic Cataloging Unit 02070011 that lie within Prince William, Fauquier and Stafford Counties. This proposed service area of the Bank is consistent with current and proposed Commonwealth of Virginia statutes and regulations governing mitigation banks, including VWPP regulations (Code of Virginia § 33.1-223.2:1 and 9 VAC 25-210-10 et seq.). A *Proposed Service Area Map* for the Bank is provided in Attachment B.

VI. PLANNED PRE-APPLICATION PROCESS

The Sponsor plans to meet with the MBRT prior to submission of a MBI for the bank and a POD for each site to discuss plans for the bank. This document will serve as the basis for these discussions. The Sponsor also welcomes the opportunity to meet with other interested parties to discuss the plans for this Bank.

VII. PERMITS

Development of the Bank, including all construction activities, will be performed in a manner that will avoid and minimize both temporary and permanent adverse effects on the environment to the greatest extent practicable. Impacts to small areas of existing, degraded stream channels and wetlands may be required for the implementation of simple water control features, hydrologic barriers, and/or stream channel restoration activities. The Sponsor, as part of the Bank approval process, will obtain any necessary Clean Water Act (CWA) and/or VWPPP permits.

VIII. BANK DEVELOPMENT

Development of the regional Bank will involve stream mitigation using stream and riparian buffer restoration, enhancement, and preservation along with wetland creation

and/or enhancement at multiple sites within the Hydrological Cataloging Units of 02070008, 02070010, and 02070011.

The 860 acre site consists of approximately 9.85 acres of wetland mitigation and 19,182 linear feet of stream channel. The 204 acre site consists of approximately 21.73 acres of wetland mitigation and 6,916 linear feet of stream channel. The 118 acre site consists of approximately 2.50 acres of wetland mitigation and 7,374 linear feet of stream channel. The 167 acres site consists of approximately 20.61 acres of wetland mitigation and 1,812 linear feet of stream channel. Wetland mitigation will consist of creation, enhancement, and/or preservation of high value wetland areas. Stream mitigation will consist of stream restoration techniques including in-stream structures, bank bio-engineering, and channel relocation. Stream enhancement areas are relatively stable but lack substantial riparian vegetation. Bank stabilization and riparian buffer planting may be used to stabilize these reaches. Stream preservation is proposed on high value stable stream reaches.

The sponsor will develop a MBI for the Bank for approval by the MBRT. This will include a detailed Plan of Development (POD) that will present clear goals and objectives for each Bank site. The POD will consist of details for each of the Bank sites based on site specific data and modeling, including detailed soil and geotechnical information, groundwater and rainfall data, existing wetland and stream channel assessments, stream geomorphological surveys, and detailed water budget analysis using the "Peirce Method" and the computer model DRAINMOD. Stream and wetland mitigation credit will be determined using an assessment method approved by the MBRT.

IX. MITIGATION METHODS

As previously stated, the goal of the Bank is to compensate for regulated aquatic resources that are anticipated to be lost through unavoidable authorized activities within the Bank's service area. This goal will be achieved on the Bank sites by creating/restoring wetland hydrology through modifications that may include but not limited to minor grading to control surface runoff, in-ground hydrologic barriers to control surface and sub-surface drainage, filling of ditches, restoration of incised stream channels and/or soil modification to reduce soil permeability and increase water storage capacity. The Bank's goal will also be achieved through restoration and/or enhancement of stream channels through modifications that may included but not limited to Natural Channel Design (NCD) techniques, channel cross section and pattern alterations, bank stabilization and bioengineering techniques, grade control and in-stream structures, establishment and/or preservation of forested riparian buffers, and removal of detrimental land use activities (i.e. livestock grazing and crop production) in riparian corridors.

X. MAINTENANCE, MONITORING, AND PERFORMANCE CRITERIA

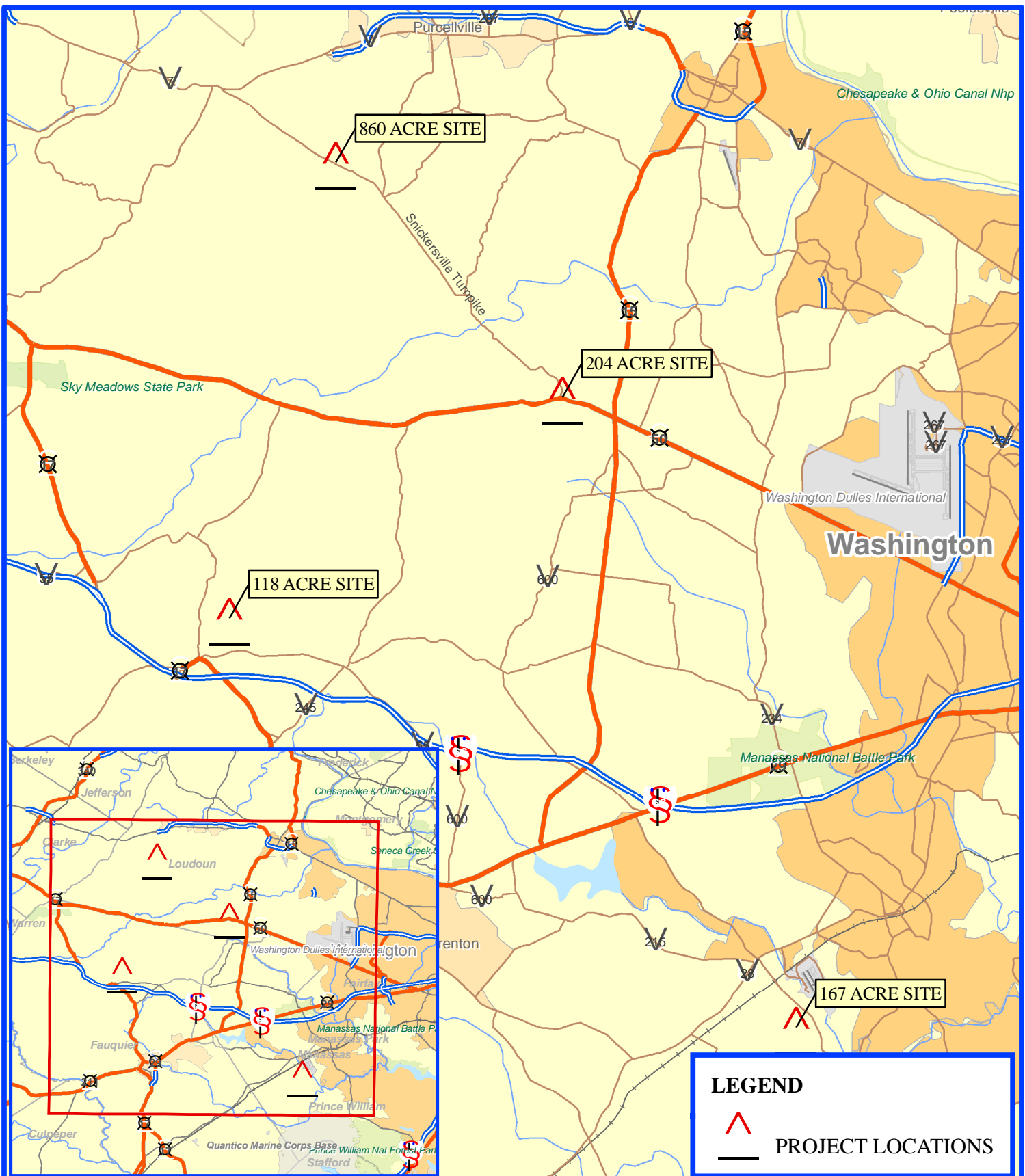
Following construction activities, the Sponsor will implement a monitoring plan to ensure that the hydrologic, vegetation, and stability success criteria are being met. The monitoring plan will be detailed in the final MBI for the Bank, and will be in accordance with Section II.E. of the Federal Banking Guidance. Determinations regarding specific

performance criteria, other long-term monitoring and/or management activities, the operational life of the Bank, potential remedial actions and financial assurances will be similarly developed, and contained in the final MBI.

XI. LONG-TERM STEWARDSHIP

A restrictive covenant, or other equivalent instrument, will be recorded on the Bank sites in County land records prior to the sale of any credits from the Bank, to assure preservation of these lands in perpetuity. A copy of said covenant will be included in the POD for each bank site.

At the end of the active monitoring period the Sponsor shall offer to transfer all interest in the Bank, at no cost, to the current owners of the sites or their heirs. If the landowners or their heirs decline to accept the properties, the Sponsor shall then transfer interest to a public resource agency, a non-profit agency engaged in conservation activities, or an academic institution engaged in research activities subject to written approval of the receiving entity by the MBRT.



LEGEND



PROJECT LOCATIONS



12801 Randolph Ridge Lane, Suite 102
Manassas, Virginia 20109
Phone: 703-393-4844 Fax: 703-393-2934

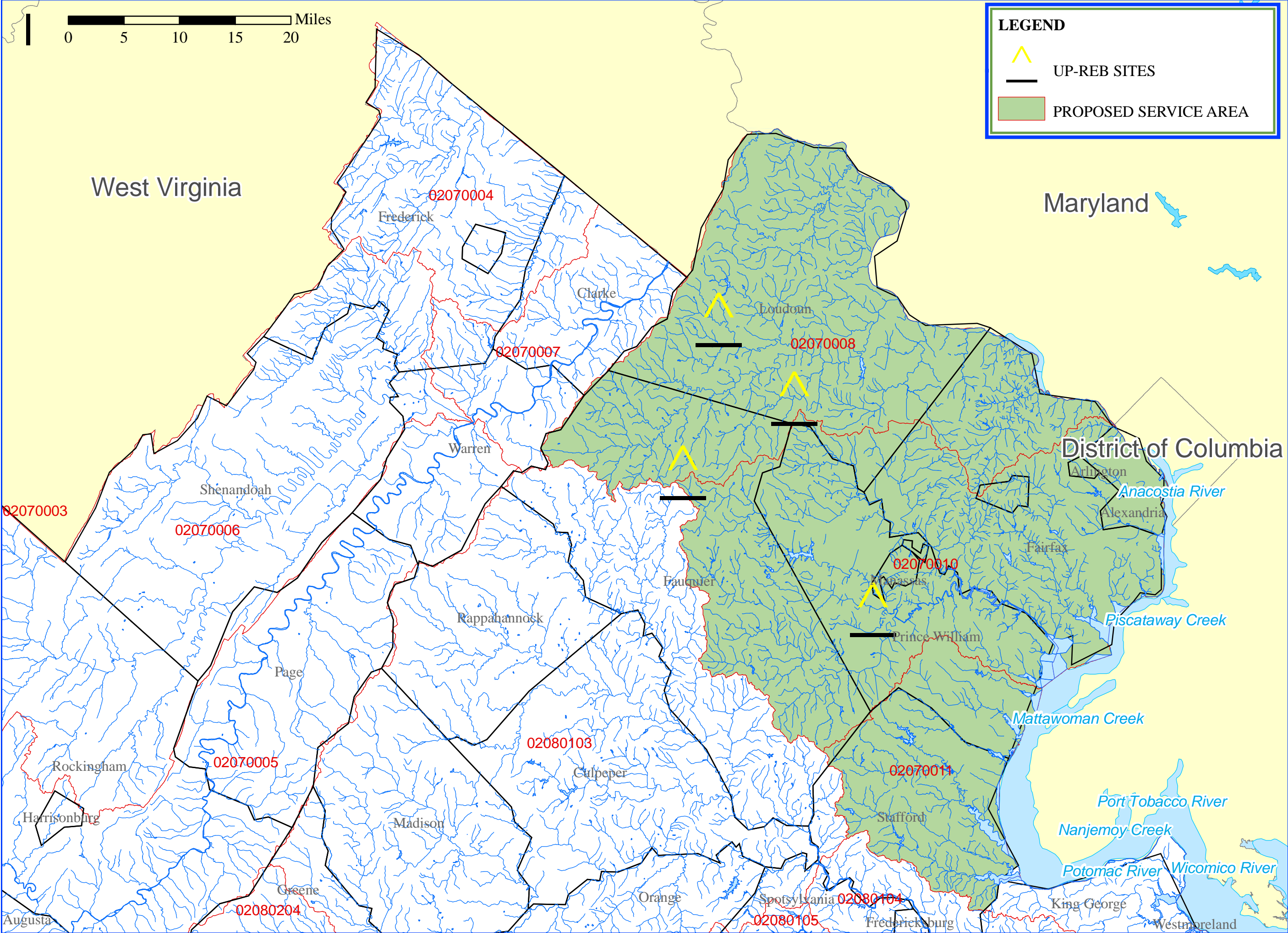
VICINITY MAP

UPPER POTOMAC REGIONAL ENVIRONMENTAL BANK LOUDOUN, FAUQUIER, & PRINCE WILLIAM COUNTIES VIRGINIA

1 inch equals 4 miles

1

Source:
ESRI StreetMap USA & USA Base Map



LEGEND

 UP-REB SITES

 UP-REB SITES

 PROPOSED SERVICE AREA



Aquatic Resource Specialists

12801 Randolph Ridge Ln.
Manassas, Va. 20109

ph: (703) 393-4844
fax: (703) 393-2934

106 North Thompson St.
Richmond, Va. 23221

ph: (804) 353-6017
fax: (804) 353-6018

PROJECT: UPPER POTOMAC
REGIONAL ENVIRONMENTAL BANK

APPLICANT: MITIGATION SERVICES, LLC

PROPOSED SERVICE AREA
MAP

PROJECT MANAGER:	RC
DRAWN:	MM
JOB NUMBER:	UP-REB
DESIGN FILE:	UP-REB - Service Area Map - 11 x 17
Date:	1/04/07
REVISIONS:	NONE